

Message Text

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USIA-15 NIC-01 AID-20 DRC-01 /118 W

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R 251710Z JUL 74

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 4686

INFO AMEMBASSY GUATEMALA

AMEMBASSY SAN JOSE

AMEMBASSY TEGUCIGALPA

AMEMBASSY SAN SALVADOR

USCINCSO

C O N F I D E N T I A L SECTION 1 OF 2 MANAGUA 2917

USCINCSO FOR POLAD

E.O. 11652: GDS

TAGS: PINT, NU

SUBJECT: ELECTIONS 1974: GON PROSECUTES OPPOSITION LEADERS

REF: MANAGUA 2580

1. SUMMARY: THE GON PROSECUTION OF 27 OPPOSITION LEADERS FOR ISSUING A DECLARATION CALLING FOR ABSTENTION IN THE FORTHCOMING ELECTIONS BECAUSE "THERE IS NO ONE TO VOTE FOR" HAS BECOME A REAL POLITICAL DONNYBROOK WHICH OVERSHADOWS THE COLORLESS ELECTORAL CAMPAIGN. FOR THE PAST WEEK TWO DIFFERENT OPPOSITION LEADERS HAVE APPEARED IN COURT EACH DAY TO REAFFIRM THEIR SIGNATURES, AIR THEIR DISSENTING VIEWS AND ATTACK THE LEGALITY OF THE ELECTIONS AND THE PROCEEDINGS AGAINST THEM. SINCE IMMEDIATE RESULTS OF THE GON'S PROSECUTION HAVE BEEN TO UNITE DISPARATE OPPOSITION GROUPS, PROVIDE THEM SOMETHING CONCRETE TO DO AND GIVE THEM INTERNAL AND INTERNATIONAL NOTORIETY, MOST OBSERVERS ARE WONDERING WHY GENERAL SOMOZA CHOSE TO PROSECUTE THEM. THE GON EXPLAINS ITS ACTION AS A SIMPLE ENFORCEMENT OF THE LAW AND A DEFENSE AGAINST

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ATTEMPTS TO SUBVERT THE ELECTORAL PROCESS. HOWEVER, WE BELIEVE

IT IS ALSO MOTIVATED BY A SERIOUS CONCERN THAT THE DEMONSTRATED LOW LEVEL OF PUBLIC INTEREST IN THE ELECTION COULD RESULT IN VOTERS STAYING HOME ON ELECTION DAY. BY MOVING FORCEFULLY TO PUNISH THOSE CALLING FOR ABSENTION AND HINTING AT EVEN MORE DRASTIC MEASURES, THE GON IS INTRODUCING AN ELEMENT OF PRESSURE THAT MAY BREAK PUBLIC APATHY AND COMPEL VOTERS TO REGISTER DURING JULY AND VOTE ON SEPTEMBER 1. IN ADDITION, WE SUSPECT THAT THE OPEN PARTICIPATION OF COMMUNIST LEADERS IN THE ABSTENTION CAMPAIGN HAS PROMPTED GENERAL SOMOZA TO REACT STRONGLY. SINCE THIS POLITICAL CONFRONTATION IN THE COURTS OVER ABSTENTION SEEMS DESTINED TO DOMINATE THE ELECTORAL PERIOD WE WILL CONTINUE TO FOLLOW IT AND ANALYZE DEVELOPMENTS. END SUMMARY.

2. FOR THE PAST TWO WEEKS THE POLITICAL POT HAS BOILED AS THE GON ASSIDUOUSLY PURSUES ITS PROSECUTION OF THE 27 OPPOSITION LEADERS WHO ON JUNE 26 ISSUED A STATEMENT ENTITLED "THERE IS NO ONE TO VOTE FOR" (NO HAY POR QUIEN VOTAR) THAT DECLARED THEIR "BELLIGERENT ABSTENTION" AND CALLED FOR A "NATIONAL MOVEMENT OF CIVIC RESISTANCE." ON JULY 2 FOLLOWING TWO DAYS OF PRELIMINARY HEARINGS DURING WHICH 25 OF THE OPPOSITION FIGURES APPEARED TO CONFIRM THEIR SIGNATURES OF THE STATEMENT (THE REMAINING TWO WERE REPORTEDLY UNABLE TO APPEAR) MANAGUA POLICE JUDGE COLONEL OCON PASSED THE CASE TO THE CRIMINAL COURTS FOR FURTHER ACTION.

3. PREPARATORY TO CRIMINAL COURT PROCEEDINGS, EACH OF THE 27 ACCUSED NAMED A SEPARATE ATTORNEY TO DEFEND HIM, AND THIS GROUP OF 27 PROMINENT LAWYERS PROCEEDED TO COORDINATE THE LEGAL DEFENSE. ON JULY 6, THE 27 ACCUSED HELD AN "IMPROVISED ASSEMBLY" IN A MANAGUA CHURCH WITH SEVERAL HUNDRED SUPPORTERS AND LAUNCHED A NATIONAL PETITION CAMPAIGN TO COLLECT SIGNATURES ENDORSING THEIR JUNE 26 STATEMENT. OPPOSITION NEWSPAPER LA PRENSA HAS BEEN PUBLISHING LISTS OF NEW SIGNATURES ALMOST DAILY.

4. NOT ONE TO BE LEFT OUT, CONSERVATIVE LEADER DR. FERNANDO AGUERO (PCN-A) ALSO ISSUED A DECLARATION SIGNED BY THE DIRECTORATE OF HIS PARTY (PCN-A), WHICH WAS EVEN STRONGER AND MORE FAR REACHING IN DENOUNCING THE ELECTIONS AND CALLING FOR ABSENTION THAN THE STATEMENT FOR WHICH THE 27 ARE BEING PROSECUTED. THE GON HAS NOT YET TAKEN ANY LEGAL ACTION AGAINST THE AGUERO ABSTENTIONEERS. MANY ARE CONSTITUENT ASSEMBLY MEMBERS WHO ENJOY IMMUNITY, CONFIDENTIAL

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LEADING TO RUMORS THAT THE LIBERAL MAJORITY IN THE ASSEMBLY MAY SOON VOTE TO LIFT THEIR IMMUNITY.

5. ON JULY 8 MANAGUA CRIMINAL COURT JUDGE ESTRADA BEGAN SUMMONING THE 27 TO APPEAR BEFORE HIM TWO AT A TIME TO MAKE DEPOSITIONS AND ANSWER QUESTIONS REGARDING THEIR STATEMENT. THE FIRST PAIR TO APPEAR WAS LA PRENSA PUBLISHER PEDRO JOAQUIN CHAMORRO OF THE NATIONAL MOBILIZATION (MN) AND COMMUNIST LABOR

LEADER (CGT-I) DOMINGO SANCHEZ SALGADO "CHAGUITILLO" WHO REITERATED THEIR CRY OF "THERE IS NO ONE TO VOTE FOR" AND BRANDED THE PROCEEDINGS "POLITICAL TRIAL" TO SUPPRESS THE OPPOSITION. ON JULY 9 LAWYERS RODOLFO ROBELO OF THE INDEPENDENT LIBERAL PARTY (PLI) AND PEDRO J. QUINTANILLA OF THE DISSIDENT LIBERAL CONSTITUTIONALIST MOVEMENT (MLC) APPEARED. THEY PRESENTED IN THEIR DEFENSE A LENGTHY TREATISE ATTACKING THE LEGALITY AND CONSTITUTIONALITY OF THE PROCEEDINGS, PRIMARILY ON THE GROUNDS THAT NO LEGISLATION HAS EVEN BEEN ENACTED TO REGULATE THE CONSTITUTIONAL PROVISION (ART. 35) WHICH SUSPENDS CITIZENS RIGHTS FOR PROCLAIMING ABSENTION. ON JULY 10 COMMUNIST LABOR LEADER (CGT-I) SEBASTIAN CASTRO CRUZ AND SOCIAL CHRISTIAN PARTY (PSC) PRESIDENT MANOLO MORALES HAD THEIR DAY IN COURT. IN HIS DEPOSITION CASTRO DENOUNCED GON REPRESSION OF LABOR UNIONS WHICH INCLUDED THE LIQUIDATION OF CGT-I ACTIVISTS. WHEN MORALES ATTEMPTED TO DENIGRATE THE PROCEEDINGS, THE PUBLIC PROSECUTOR, WHO IS ALSO A VICE PRESIDENT

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OF THE GOVERNING LIBERAL PARTY (PLN), INTEREVENED TO SILENCE HIM AND A SHOUTING MATCH ENSUED THAT AT TIMES BORDERED ON THE COMIC.

6. FOLLOWING A DAY'S RECESS, OCCASIONED BY THE OFFICIAL OBSERVANCE

OF NATIONAL LIBERAL PARTY DAY, THE COURT RESUMED ON JULY 12 WITH THE DEPOSITIONS OF EX-SENATOR AND PSC EX-PRESIDENT DR. EDUARDO RIVAS GASTEAZORO AND DR. RAFAEL CORDOVA RIVAS OF THE NATIONAL CONSERVATIVE ACTION GROUP (ANC). RIVAS GASTEAZORO, A PROMINENT AND RESPECTED ATTORNEY, MAINTAINED THAT PROPER ELECTIONS COULD NOT BE HELD BECAUSE THE ELECTORAL REFORMS PROMISED FOR 1974 HAD NOT BEEN ENACTED AND, NOTING THAT HIS PARTY HAD TWICE PETITIONED TO PARTICIPATE IN ELECTIONS, DENOUNCED THE REFUSAL OF THE GON TO ACCEPT ITS PETITIONS. CORDOVA, ANOTHER LAWYER, ATTACKED THE LEGALITY OF THE PROCEEDINGS. ON JULY 13, MANAGUA PATHOLOGIST DR. LEOPOLDO NAVARRO OFMLC AND OPHTHOLOGIST DR. EMILIO ALVAREZ MONTALVAN OF ANC APPEARED TO BRIEFLY DEFEND THEIR SIGNATURES AS DICTATES OF CONSCIENCE BASED ON THE CONCLUSION THAT THERE WAS NOTHING IN THE ELECTION TO VOTE FOR. WITH 17 DEFENDANTS TO GO THE TRIAL OF THE 27 IS EXPECTED TO CONTINUE FOR AT LEAST ANOTHER WEEK. THE GOVERNMENT PROSECUTOR, WHO HAS NOT ELABORATED ON THE CHARGES AGAINST THE ACCUSED OR REBUTTED THEIR LEGAL ARGUMENTS, WILL PRESUMABLY DO
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SO AT SOME POINT IN THE TRIAL.

7. THE FIVE DAYS OF PUBLIC TRIAL OF WELL KNOWN OPPOSITIONISTS HAVE RECEIVED HEAVY MEDIA COVERAGE, INCLUDING INTERNATIONAL WIRE SERVICE REPORTS FILED BY LOCAL STRINGERS. OPPOSITION LA PRENSA HAS APPEARED EACH DAY WITH BLARING HEADLINES AND A FULL FRONT PAGE COVERAGE OF THE STATEMENTS OF THE CURRENT PAIR OF DEFENDANTS IN COURT AS WELL AS NUMER-

OUS ARTICLES AND EDITORIALS ON THE TRIAL. THE SOMOZA-OWNED NOVEDADES HAS RETALIATED WITH HEADLINES AND ARTICLES ATTACKING THE DEFENDANTS PERSONALLY AND SUPPORTING THE GOVERNMENT'S CONTENTION THAT THE CONSTI-

TUTION AND LAWS HAVE BEEN VIOLATED AND SUCH OFFENSES WILL BE RIGOROUSLY PUNISHED.

8. COMMENT: THE GOVERNMENT'S PROSECUTION OF THE 27 HAS PRODUCED A REAL POLITICAL DONNYBROOK WHICH FAR OVERSHADOWS THE COLORLESS ELECT-ORAL CAMPAIGN. ITS IMMEDIATE EFFECT ON THE OPPOSITION HAS BEEN THREEFOLD. FIRST, IT HAS BROUGHT ABOUT A CERTAIN UNITY AMONG WIDELY DISPARATE OP-

POSITION POLITICAL GROUPS. SECOND, AND POSSIBLY MORE IMPORTANT, IT HAS

GIVEN THESE OTHERWISE FRUSTRATED AND INACTIVE GROUPS SOMETHING CONCRETE

TO DO. AND THIRD, IT HAS GIVEN THEM AN INTERNAL AND INTERNATIONAL NOTORIETY THAT THEY HAVE HERETOFORE NOT ENJOYED. (AS FAR AS EMBASSY IS AWARE STORIES HAVE BEEN LIMITED TO PAPERS IN COSTA RICA AND PANAMA).

GIVEN THESE BENEFITS TO THE OPPOSITION, THE OBVIOUS QUESTION IS: WHY

DID GENERAL SOMOZA CHOOSE TO PROSECUTE THE 27 OPPOSITION LEADERS AT THIS TIME?

9. THE EXPLANATION OFFERED BY GON SPOKESMAN IS THAT THE CONSTITUTION AND LAWS ARE BEING VIOLATED AND AN ATTEMPT IS BEING MADE TO SUBVERT THE ELECTORAL PROCESS AND THIS CANNOT BE TOLERATED. HISTORICALLY, HOWEVER, CALLS FOR ABSTENTION HAVE BEEN A TACTIC EMPLOYED BY THE OPPOSITION TO ELECTIONS BETWEEN THE SOMOZAS AND THEIR TOKEN OPPONENTS. CONTRARY TO ITS POSITION IN THIS INSTANCE, IN OTHER RECENT ELECTIONS (1967;1972) THE GOVERNMENT SIMPLY IGNORED SUCH
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CAMPAIGNS EVEN THOUGH THEY APPEARED TO VIOLATE CONSTITUTIONAL PROVISIONS. MOREOVER, IF THE SOMOZA LIBERALS REALLY ENJOY THE OVERWHELMING MAJORITY SUPPORT CLAIMED IN THEIR CAMPAIGN SPEECHES AND OFFICIALLY CREDITED TO THEM IN PAST ELECTIONS, IT SEEMS INCONSISTENT FOR THEM TO BE SO CONCERNED OVER A CAMPAIGN BY A COLLECTION OF SMALL OPPOSITION GROUPS. WE TEND TO DISCOUNT THE GON'S POSTURING OVER ITS DESIRE TO DEFEND THE CONSTITUTION AS THE REASON FOR ACTION AGAINST THE 27. RATHER WE BELIEVE IT WAS MOTIVATED BY CONCERN THAT THE ABSTENTION CAMPAIGN MIGHT WORK TO DISCREDIT THE 1974 ELECTIONS. CLEARLY THE ELECTORAL CAMPAIGN, INCLUDING THE GENERAL'S OWN, HAS FAILED TO AROUSE PUBLIC INTEREST AND ENTHUSIASMS. THIS UNDOUBTEDLY GIVES RISE TO GENUINE PREOCCUPATION THAT WITH VERY LITTLE ENCOURAGEMENT, THE VOTERS WILL SIMPLY STAY HOME,

THEREBY CASTING A SHADOW OVER SOMOZA'S MANDATE FOR 1974-81. GIVEN THIS CONSIDERATION, PROSECUTION OF THE 27 COULD BE VIEWED AS THE ONLY WAY TO PREVENT ABSTENTION FROM THE UNDERMINING THE ELECTION'S RESPECTABILITY. BY CONFRONTING THE ABSTENTIONISTS, MAKING EXAMPLES OF THEM AND THEREBY INSTILLING A CERTAIN AMOUNT OF CONCERN AMONG THE CITIZENRY, THE GON MAY POSSIBLY BREAK THEIR APATHY ABOUT THE ELECTIONS AND COMPEL THEM TO REGISTER AND VOTE. THIS ATMOSPHERE HAS BEEN FUELED BY RAMPANT STORIES THAT THE PLN DOMINATED CONSTITUENT ASSEMBLY WILL SOON PASS A LAW MAKING PROOF OF HAVING VOTED A PREREQUISITE FOR RECEIVING GOVERNMENT SERVICES--PASSPORTS, DRIVERS LICENCES, PROFESSIONAL LICENSES, ETC. CONSTITUTENT ASSEMBLY PRESIDENT CORNELIO HUECK, IN HIS TYPICAL FLAMBOYANT STYLE, HAS EVEN URGED THAT THE OPPOSITION LEADERS BEHIND THE ABSTENTION CAMPAIGN BE EXILED, CITING THE 1944 EXAMPLE OF GENERAL SOMOZA GARCIA'S BANISHMENT OF HIS OPPONENTS.

10. PROBABLY AN ADDITIONAL CONSIDERATION IN THE GON'S DECISION TO MOVE AGAINST THE ABSTENTION CAMPAIGN WAS ITS NERVOUSNESS OVER THE COMMUNISTS' INVOLVEMENT. GENERAL SOMOZA IS NOTED FOR HIS MILITANT ANTI-COMMUNISM, AND THE ACTIVE AND OPEN PARTICIPATION OF THE COMMUNISTS AND THEIR INCREASINGLY POWERFUL LABOR MOVEMENT IN THE ABSTENTION CAMPAIGN MAY HAVE TRIGGERED A MORE SEVERE GON REACTION THAN MIGHT OTHERWISE HAVE BEEN THE CASE.

11. AS OF THIS WRITING, WE SEE GAINS AND LOSSES FOR BOTH SIDES IN
THE CONFRONTATION OVER ABSTENTION. ONE THING IS CLEAR, HOWEVER,
THE OPPOSITION UNITED UNDER ATTACK BY THE GON, HAS NEVER IN
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RECENT YEARS HAD A BETTER FORUM FOR DISSEMINATING ITS VIEWS
AND GIVING PUBLIC EXPOSURE TO ITS LEADERS. SINCE THIS POLITICAL
CONTEST IN THE COURTS SEEMS DESTINED TO DOMINATE THE ELECTORAL
PERIOD WE WILL CONTINUE TO FOLLOW IT AND ANALYZE DEVELOPMENTS.
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